

Appl. No. 09/751,792

Amdt. dated 04/16/2005

Reply to Office action of 01/26/2005

### REMARKS

This Amendment is in response to the Office Action mailed 01/26/2005. In the Office Action, the Examiner objected to the drawings, and rejected claims 1-11, 19-29, 37-47, and 55-65 under 35 U.S.C. § 112, rejected claims 1-2, 8, 19-20, 26, 37-38, 44, 55-56, and 60-65 under 35 U.S.C. § 102, and rejected claims 6-7, 9-11, 24-25, 27-29, 42-43, and 45-47 under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### *Drawings*

1. The Examiner objects to the drawings as failing to comply with 37 CFR 1.84(p)(4) because the "table" as specified in claims 3, 21, and 39 is alleged not to be shown.

Applicant has cancelled claims 3, 21, 39, and 57 that include "table" as an element. Claims 4, 22, 40, and 58 have been amended to provide antecedent basis and to remove the "table" element. Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

The Examiner states that the claims use the term rate(s) without defining what rate the applicant is referring to. Applicant responds by pointing out that in claims 1, 19, 37, and 55 the element of "a predetermined unit rate" is introduced. On page 11, lines 19-22, a predetermined unit rate is discussed as the rate at which data units are received and a predetermined transmission cell rate is given as an example of a predetermined unit rate. Applicant has amended claims 9, 27, 45, and 63 to replace --data unit rate-- with "predetermined unit rate." Applicant respectfully submits that the claims, as amended, are clear in view of the specification as filed.

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The Examiner states that claims such as 9-11, 27-29, 45-47, and 64-66 specify selecting a service group but never specify why the group is selected, for what reason, or what happens next. Applicant respectfully submits that these claims, as amended, clearly selecting a service group interface as further details of the storing of data units.

***Rejection Under 35 U.S.C. § 112***

3. The Examiner rejects claims 1-11, 19-29, 37-47, and 55-65 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Examiner considers that transmitting a data unit a data unit rate higher than each virtual connection rate is not enabled. Applicant has amended claims 1, 19, 37, and 55 to remove this element. Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-11, 19-29, 37-47, and 55-65 under 35 U.S.C. § 112, first paragraph.

***Rejection Under 35 U.S.C. § 102***

1. The Examiner rejects claims 1-2, 8, 19-20, 26, 37-38, 44, 55-56, and 60-65 under 35 U.S.C. § 102(e) as being anticipated by Fan et al. (US 6,324,165).

Applicant has amended independent claims 1, 19, 37, and 55 to include the element of selecting a buffer having a highest predetermined unit rate to select one of several buffers that are eligible to transmit. Fan does not disclose this element. Fan discloses selecting a buffer in a round-robin fashion with priority given to flagged queues. Col. 19, lines 25-27.

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Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-2, 8, 19-20, 26, 37-38, 44, 55-56, and 60-65 under 35 U.S.C. § 102(e) as being anticipated by Fan.

***Rejection Under 35 U.S.C. § 103***

7. The Examiner rejects claims 6-7, 9-11, 24-25, 27-29, 42-43, and 45-47 under 35 U.S.C. § 103(a) as being unpatentable over Fan.

Applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 6-7, 9-11, 24-25, 27-29, 42-43, and 45-47 under 35 U.S.C. § 103(a) as being unpatentable over Fan.

***Claims Withdrawn From Consideration***

Claims 12-18, 30-36, 48-54, and 66-72 were withdrawn from consideration based on applicants election of claims 1-11, 19-29, 37-47, and 55-65 of Group I without traverse. Applicant has amended independent claims 12, 30, 48, and 66 to depend from claims 1, 19, 37, and 55 respectively. Applicant respectfully submits that all claims, as amended, now are drawn to the elected Group I. Claims 1-2, 4, 6-13, 17, 19-20, 22, 24-31, 35, 37-38, 40, 42-49, 53, 55-56, 58, 60-67, and 71 remain pending in the application. Applicant respectfully requests that all pending claims be examined on the merits.

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***Conclusion***

Applicants reserve all rights with respect to the applicability of the doctrine of equivalents.

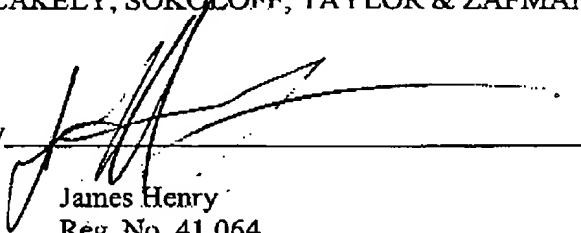
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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